

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Warren Picard

v.

Civil No. 09-cv-259-PB

James O'Mara, Superintendent,
Hillsborough County Department
of Corrections, et al.

O R D E R

Warren Picard has filed two complaint documents that, because they were filed together, were filed as a single action. Upon review of the file, it is readily apparent that Picard intended to file two actions. The first action is against James O'Mara, Superintendent of the Hillsborough County Department of Corrections ("HCDOC"), and HCDOC Corrections Officers Baldwin, Dornall, Dusenbaum, and Robinson. In that action, plaintiff alleges that these defendants harassed him and subjected him to inhumane conditions of confinement in retaliation for law suits plaintiff previously filed against O'Mara and other HCDOC employees. The complaint in this first action is located, in the above-numbered docket, at pages 1 - 14 of document no. 1.

The second action is against the HCDOC medical department and several HCDOC Medical Department employees. This second action is entirely unrelated to the first action, and alleges that the defendant medical department employees were deliberately indifferent to Picard's serious medical needs, in violation of the Eighth Amendment, when they refused to address his significant weight loss during his incarceration. The complaint in this second action is located, in the above-numbered docket, at pages 15-21 of document no. 1.

Relying on Picard's in forma pauperis request and documentation filed in the above-numbered case, in forma pauperis status is granted in the new case. As in the above-numbered case, the Court waives the filing fee in the case to be opened pursuant to this Order.

The Clerk's Office is directed to open a second case. The case that is already opened, Civ. No. 09-259-PB, will be the action set forth in pages 1 - 14 of document no. 1. As to the new case, I order the Clerk's Office to:

1. Open a new case, the complaint for which is comprised of pages 15-21 of the document docketed as document no. 1 in the above-numbered action.

2. In the newly opened case, docket the in forma pauperis motion, filings, and orders thereon that have previously been filed in the first case as document no. 2 and the endorsed order thereon.

3. Docket a copy of this Order in the newly opened case.

4. Forward the second case, once opened, immediately to the undersigned for preliminary review.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: August 7, 2009

cc: Warren Picard, pro se

JM:jba